



U.S. Department of Justice

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July 2, 2013

BY EMAIL (ForrestNYSDChambers@nysd.uscourts.gov)

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 730
New York, NY 10007

USDC SDNY
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**Re: In re 650 Fifth Avenue and Related Properties,
08 Civ. 10934 (KBF)**

Dear Judge Forrest:

The Government respectfully submits this letter in order to request clarification regarding the Court's Order issued earlier today. In its June 27, 2013 letter, the Assa Claimants ("Assa") requested permission to extend the deadline for the scheduling of depositions of several Assa representatives who have not, to this point, secured travel to the United States. Among other things, the Assa claimants noted that the possibility of taking the depositions overseas is being actively discussed and explored by the parties. The Government took no position with respect to the request to have time extended.

The Government understands the Court's Order as allowing for the extension of time, not ordering those depositions to take place, in Dubai or at any other location. To be clear, attorneys for the Government do not yet know whether it would be able to obtain permission from the Department of Justice to take such a trip, or whether such a trip is even necessary. In fact, to this point, and despite requests, the Government has not received a firm statement from Assa as to whether its witnesses have even submitted applications for visas, a failure that would not be the Government's. To the extent that they have, the Government stands ready to take whatever measures are appropriate to assist those witnesses in traveling to the United States to be deposed.

We respectfully ask that the Court confirm that its July 2, 2013 Order merely allowed for such depositions to proceed, but did not order those depositions to take place, particularly if the Assa deponents have not taken appropriate steps to respond properly and be deposed in the United States.

Respectfully submitted,

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cc: Counsel of record (by email)

ORDERED: The Court's July 2, 2013, Order merely permitted the depositions of the Assa representatives to proceed on July 29-31 should the parties decide to hold such depositions; the Court neither ordered the depositions to take place nor precluded them. The Court notes that it did appear from defendants' letter that an appropriate time and location for such depositions presented some complexities and that Dubai appeared to be a reasonable choice. To the extent the parties have unresolved issues as regards the propriety and location of these depositions, they should raise those issues by formal letter after the meet-and-confer process has not resulted in an agreement.

SO ORDERED.

7/3/13



KATHERINE B. FORREST, U.S.D.J.